

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

HARVEY WALTER DIZOL  
KATHERINE O REILLY DIZOL  
4044 FIZER ROAD  
SPRINGFIELD, TN 37172

SSN XXX-XX-6729

SSN XXX-XX-6568

12-08047-RM3-13

JUDGE RANDAL S MASHBURN

Date: 10/03/14

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**THE DEADLINE FOR FILING A TIMELY RESPONSIVE STATEMENT IS 10/24/2014.**

**IF A STATEMENT OPPOSING THE TRUSTEE'S NOTICE OR MOTION IS TIMELY FILED, THE HEARING DATE WILL BE: 11/12/2014 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.**

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**NOTICE OF FINAL CURE PAYMENT PURSUANT TO RULE 3002.1**  
**AND MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

The Trustee has filed a Notice of Final Cure Payment pursuant to Rule 3002.1, F.R.B.P. and has also filed a Motion for Order Declaring a §1322(b)(5) Claim Current and All Defaults Cured.

**YOUR RIGHTS MAY BE AFFECTED.** If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding .

If you file a statement that you do not agree with the Trustee's Notice before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at <[www .tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>.

If you do not file a statement as a supplement to the Proof of Claim that you DO NOT agree with the Trustee's Notice of Final Cure Payment, or you file a statement as a supplement to the Proof of Claim that you agree with the Trustee's Notice of Final Cure Payment, the Trustee will submit the attached Proposed Order for entry .

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

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12-08047-RM3-13  
JUDGE RANDAL S MASHBURN  
10/3/2014

**TRUSTEE'S NOTICE OF FINAL CURE PAYMENT AND  
MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

Pursuant to Rule 3002.1(f) the Trustee has filed a Notice of Final Cure Payment and has requested an Order declaring that the §1322(b)(5) claim is current and all defaults have been cured.

**SUNTRUST BANK  
SUPPORT SERVICES  
P O BOX 85092  
RICHMOND, VA 23286**

**FINAL CURE AMOUNT: (PREPETITION DEFAULT)**

<b>Court Claim Number</b>	<b>3</b>	<b>Trustee's Claim Number</b>	<b>4</b>
<b>Account Number</b>	<b>xxxxxx9237</b>		
<b>Universal Claim Identifier</b>			
<b>Claim Asserted</b>	<b>\$498.90</b>		
<b>Claim Allowed</b>	<b>\$1,496.70</b>		
<b>Amount Paid By Trustee</b>	<b>\$1,496.70</b>		

**MONTHLY ONGOING MORTGAGE PAYMENTS**

The Trustee has made post-petition payments to the creditor ("conduit"). The Trustee's records demonstrate that all post-petition payments have been made through the payment for **October 2014**. Attached to this Notice and Motion, is an accounting of all payments made by the Trustee on the post-confirmation "conduit" payments. The totals are listed below:

<b>Court's Claim Number</b>	<b>3</b>	<b>Trustee's Claim Number</b>	<b>3</b>
<b>Post Petition</b>			
<b>Date of Claim</b>	<b>Sep 11, 2012</b>		
<b>Date of 1st Payment</b>	<b>October 31, 2012 for month Nov 2012</b>		
<b>Post Confirmation Payments</b>	<b>\$11,973.60</b>		
<b>Date of Last Payment</b>	<b>Sep 30, 2014 for month Oct 2014</b>		

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter .

Within 21 days of the service of the Notice of Final Cure Payment, the creditor MUST file and serve a statement indicating 1 ) whether it agrees that the default has been cured and 2 ) whether consistent with §1322(b)(2), the post-confirmation payments are current. If applicable, the statement shall itemize any required cure or post-confirmation amounts that the creditor contends remain unpaid as of the date of the statement. The statement shall be filed as a supplement to the proof of claim.

This notice shall also constitute a motion by the Trustee for an order finding that the default has been cured and the post-confirmation payments are current. If the creditor files a notice that it agrees that the default has been cured and it agrees that the post-confirmation payments have been paid, the Trustee will submit an order finding that the default has been cured and the post-confirmation payments are current.

If the creditor files a statement that it disagrees with the Trustee's Notice and Motion of Final Cure Payment, the Trustee shall submit an order where the Court shall fix a hearing, establishing date, time and location, as required pursuant to Rule 3002.1 (h).

Dated:10/3/2014

Respectfully Submitted By:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on HARVEY WALTER DIZOL & KATHERINE O REILLY DIZOL, 4044 Fizer Road, Springfield, TN 37172; and SUNTRUST BANK SUPPORT SERVICES, P O BOX 85092, RICHMOND, VA 23286 JOHNSON & FREEMAN ATTN MARK BAKER/LAURA ANN GRIFKA, 1587 NE EXPRESSWAY, ATLANTA, GA 30329; on 10/03/2014 and electronically noticed to STEVEN R WILMOTH, and Ms Beth R Derrick, Assistant US Trustee, pursuant to Court's ECF delivery.

/s/Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
Standing Chapter 13 Trustee

**EXHIBIT TO PARAGRAPH 3 OF TRUSTEES MOTION**

HARVEY WALTER DIZOL  
KATHERINE O REILLY DIZOL

12-08047-RM3-13

**PAYMENTS ON CONTINUING POST PETITION MORTGAGE OBLIGATION**

Date of Payment	Creditor Name	Check Number	Amount
10/31/2012	SUNTRUST BANK	3206335	\$498.90
11/30/2012	SUNTRUST BANK	3215952	\$498.90
12/31/2012	SUNTRUST BANK	3225715	\$498.90
01/31/2013	SUNTRUST BANK	3235389	\$498.90
02/28/2013	SUNTRUST BANK	3244845	\$498.90
03/31/2013	SUNTRUST BANK	3256512	\$498.90
04/30/2013	SUNTRUST BANK	3266131	\$498.90
05/31/2013	SUNTRUST BANK	3275948	\$498.90
06/30/2013	SUNTRUST BANK	3285478	\$498.90
07/31/2013	SUNTRUST BANK	3295553	\$498.90
08/31/2013	SUNTRUST BANK	3305119	\$498.90
09/30/2013	SUNTRUST BANK	3315011	\$498.90
10/31/2013	SUNTRUST BANK	3324648	\$498.90
11/30/2013	SUNTRUST BANK	3334067	\$498.90
12/31/2013	SUNTRUST BANK	3345940	\$498.90
01/31/2014	SUNTRUST BANK	3355290	\$498.90
02/28/2014	SUNTRUST BANK	3364602	\$498.90
03/31/2014	SUNTRUST BANK	3374298	\$498.90
04/30/2014	SUNTRUST BANK	3383910	\$498.90
05/31/2014	SUNTRUST BANK	3393533	\$498.90
06/30/2014	SUNTRUST BANK	3403307	\$498.90
07/31/2014	SUNTRUST BANK	3412670	\$498.90
08/31/2014	SUNTRUST BANK	3421884	\$498.90
09/30/2014	SUNTRUST BANK	3431189	\$498.90
Total of Continuing Payments			\$11973.60

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SPRINGFIELD, TN 37172  
SSN XXX-XX-6729      SSN XXX-XX-6568

**ORDER ESTABLISHING THAT PRECONFIRMATION DEFAULT HAS BEEN CURED AND THAT LONG TERM  
DEBT TREATED PER §1322(b)(5) IS CURRENT AFTER STATEMENT OF AGREEMENT OR NO RESPONSE**

It appearing to the Court, based upon the certification of the Trustee, as indicated by his electronic signature below, that the Trustee has filed a Notice of Final Cure Payment and has filed a motion requesting an order of the Court finding that the Notice of Final Cure Payment is accurate, the long term debt is current and all defaults have been cured; and that notice of the Trustee's request and an accounting of payments made by the Trustee was mailed to the debtor, debtor (s') counsel and the below listed creditors and that either no objection to the Trustee's request was raised, or a Statement was filed agreeing with the Trustee's Notice of Final Cure, it is

**ORDERED**, that the §1322(b)(5) claim listed below shall be deemed current and that all defaults in the claim (s) shall be deemed cured:

**SUNTRUST BANK  
SUPPORT SERVICES  
P O BOX 85092  
RICHMOND, VA 23286**

**FINAL CURE AMOUNT: (PREPETITION DEFAULT)**

Court Claim Number	3	Trustee's Claim Number	4
Account Number	xxxxxxx9237		
Universal Claim Identifier			
Claim Asserted	\$498.90		
Claim Allowed	\$1,496.70		
Amount Paid By Trustee	\$1,496.70		

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<b>Date of Last Payment</b>	<b>Sep 30, 2014 for month Oct 2014</b>		

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter .

**ORDERED**, That this declaration that the long term obligation is current is made as of this date: **October 2014**

This order was signed and entered electronically  
as indicated at the top of the first page .

APPROVED BY:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
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